

1992

Steven C. Davis v. Karl N. Weenig : Unknown

Utah Court of Appeals

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BRIEF

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APR 4 1994

COURT OF APPEALS

10
CASE NO. 920654

March 31, 1994

Court of Appeals
230 South 500 East, #400
Salt Lake City, Utah 84114

Re: Steven C. Davis vs. Karl N. Weenig and John P. Porter
Case No. 920654-CA

Dear Sirs:

At oral argument held March 25, 1994, the court raised the question as to whether the jury is free to ignore the only evidence presented in reaching its verdict. Supplementary citations are provided pursuant to Rule 24(j) of the Utah Rules of Appellate Procedure. The province of the jury is to make a determination solely with regard to disputed facts. See Little America Refining Company v. Leyba, 641 P.2d 112,114 (Utah 1982); Tsugawa v. Reinartz, 527 P.2d 1278,1282 (Hawaii 1974); John Call Engineering v. Manti City, 795 P.2d 678,683 (Utah App.1990). A jury only receives a question when reasonable minds could reach different conclusions with regard to the evidence presented. Singleton v. Alexander, 431 P.2d 126,129, 19 Utah 2d 292 (1967); John Call Engineering, id.

The key to the question deals with whether reasonable minds can reach different results based upon the evidence presented. If there is no significant factual dispute, reasonable minds can only reach one conclusion and therefore a jury which acts contrary to the evidence has acted improperly. Tsugawa.

I hope that these citations help resolve the question which the court raised at oral arguments.

Yours very truly,


RICHARD C. COXSON

RCC:ada